

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHARLES LEE TEXTER,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-0173</b>
	:	
<b>Plaintiff</b>	:	<b>(CONSOLIDATED)</b>
v.	:	
	:	<b>(Judge Conner)</b>
<b>TODD MERLINA, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 19th day of September, 2006, upon consideration of the motion for partial summary judgment (Doc. 80), filed by defendants Jeffery B. Miller, Jonathan Newman, Todd Merlina, George Buck, Tammy Tuck, Jerome Botchie, and Robert Patrizi, and it appearing that defendants filed a brief in support and corresponding statement of material facts on August 25, 2006 (see Docs. 86, 87), see L.R. 7.5, 56.1, and that, as of the date of this order, plaintiff has not filed a brief in opposition, see L.R. 7.6 (stating that a party must file a brief in opposition within fifteen days of the brief in support or will be “deemed not to oppose such motion”), nor a statement of material facts *in response to* defendants’ statement of material facts, see L.R. 56.1 (requiring responsive statements of material facts to accompany “papers opposing” motions for summary judgment), it is hereby ORDERED that:

1. Plaintiff shall be permitted to file, on or before October 6, 2006, a brief in opposition to the motion for partial summary judgment (Doc. 80). Failure to comply with this paragraph shall result in the motion being deemed unopposed. See L.R. 7.6.

2. Plaintiff shall be permitted to file, on or before October 6, 2006, a statement of material facts specifically responding to the numbered paragraphs in defendants' statement of material facts (Doc. 87). See L.R. 56.1.
  - a. The statement of material facts shall include specific references to the parts of the record that support the statements and shall comply in all respects with Local Rule 56.1.
  - b. Failure to file timely a statement of material facts in accordance with Local Rule 56.1 will result in the facts set forth in defendants' statement of material facts (Doc. 87) being deemed admitted. See L.R. 56.1.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge